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In re application of:

Wheeler, Carl J.

Appl. No. 09/937,604

35 U.S.C. § 371 Date: September 26,  
2001

For: **Adjuvant Compositions and  
Methods for Enhancing  
Immune Responses to  
Polynucleotide-Based Vaccines**

Confirmation No. 2136

Art Unit: 1632

Examiner: Wehbé, Anne Marie Sabrina

Atty. Docket: 1530.0310002/EKS/EJH/ALS

### **First Supplemental Information Disclosure Statement**

Commissioner for Patents  
Washington, D.C. 20231

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. The numbering on this First Supplemental Information Disclosure Statement is a continuation of the numbering in Applicant's Information Disclosure Statement filed January 22, 2003, in connection with the above-captioned application. A copy of each document is provided.

The Examiner's attention is directed to co-pending U.S. patent applications cited as Documents AB2, AC2 and AT14, which are directed to related technical subject matter. The identification of these U.S. patent applications is not to be construed as a waiver of secrecy as to this application now or upon issuance of the present application as a patent. The Examiner is respectfully requested to consider the cited applications and the art cited therein during examination.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicant has listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates

should not be construed as an admission that the information was actually published on the date indicated.

Applicant reserves the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

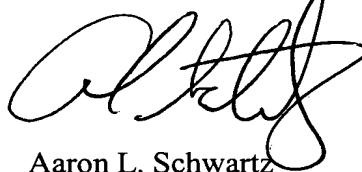
This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits. No statement or fee is required.

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



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FORM PTO-1449 <b>FIRST SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT</b>	ATTY. DOCKET NO. 1530.0310002/EKS/EJH/ALS	APPLICATION NO. 09/937,604
	APPLICANT Wheeler, Carl J.	
	35 U.S.C. § 371 DATE September 26, 2001	GROUP 1632

## U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	AA						
	AB2	2003/0091544 A1	05/15/2003	Parker et al.			03/13/2002
	AC2	2003/0191082 A1	10/09/2003	Wheeler, C. J.			03/19/2003
	AD						
	AE						
	AF						
	AG						
	AH						
	AI						
	AJ						
	AK						

## FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL						Yes No
	AM						Yes No
	AN						Yes No
	AO						Yes No
	AP						Yes No

## OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR		
	AS		
	AT	14	Pending Non-Provisional United States Patent Application No. 10/658,688, Hermanson, Gary G., filed September 10, 2003 (NOT PUBLISHED)

EXAMINER	DATE CONSIDERED
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**EXAMINER:** Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.